

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, November 25, 2002
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:32PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson
Betty P. Snyder, Supervisor
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairperson Bender announced the Board met at 7:00PM for an advertised Conditional Use Hearing to consider the application of AT& T Wireless PCS, seeking to install six attached wireless telecommunication antennas to the HTWSA water tank and to place equipment cabinets at the base of the water tank. The Board also met in Executive Session prior to this meeting in order to discuss legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mrs. Marilyn Teed of Mill Road asked what legal matters were discussed in Executive Session. Solicitor Grabowski replied that pending acquisition of real estate was discussed in this evening's Executive Session.

B. APPROVAL OF MINUTES – Action on the minutes of the October 28, 2002 Supervisor's Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 28, 2002 Supervisor's Meeting as written.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road noted the following correction to her statement under "Public Comment" on page 7, last paragraph, which should read "What has happened with the Holly Farms Kennel property, which was originally proposed for age-restricted housing, but was frowned upon by the Planning Commission is that a **fourteen-lot** subdivision that allows children is now proposed."

Action on the minutes of the November 6, 2002 Budget Worksession Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 6, 2002 Budget Worksession Meeting, as written. There was no public comment.

Action on the minutes of the November 11, 2002 Supervisor's Worksession Meeting

Public Comment:

1. Mrs. Marilyn Teed of Mill Road feels there is an error in the minutes of the Public Comment" she made on page 4, last paragraph. Mrs. Teed believes that she said "He had to hire an attorney and get a variance, prove a hardship, spends thousands of dollars in fees, and **he cannot add, because of the money he spent,** a water feature and a cupola with a weather vane on his shed."

Mrs. Seimes was directed to review the tape recordings of that meeting to confirm and verify Mrs. Teed's statement.

*Please note: Upon review of the tape recording of the November 11, 2002 meeting, the following is a word-for-word transcription of Mrs. Teed's original comment – "He had to hire an attorney and get a variance, prove a hardship, spend thousands of dollars in fees, and now he cannot add a water feature and a cupola with a weather vane on his shed, that we saw sketches of."

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 11, 2002 Supervisor's Worksession Meeting, as written.

C. APPROVAL OF CURRENT BILLING – Chairperson Bender presented the Bills List dated November 26, 2002, with General Fund payments in the amount of \$229,409.14 and State Highway Aid Fund payments in the amount of \$2,294.15; for a grand total of all payments in the amount of \$231,703.29.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated November 26, 2002. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. The draft Comprehensive Plan has been provided to the Township Engineer, Solicitor, Manager and Supervisors for their review and comments.

2. The Park and Recreation Board has recommended the appointment of Mr. Rick Lambrecht to the vacancy on their Board. This term would run until December 31, 2003.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to appoint Mr. Rick Lambrecht to the vacancy on the Park and Recreation Board, with the term to expire on December 31, 2003.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road noted that she has been passed over for five appointments on various boards and commissions in the township, and she strenuously objected to the procedures used for selecting individuals to fill committee vacancies. Mrs. Teed commented that she has not missed a meeting of the Planning Commission or the Board of Supervisors in over a year. When Mrs. Teed arrived for the interviews for the vacancy on the Park and Recreation Board, she actually had to show one of the other candidates where the door was. She also had to show Mr. Lambrecht, the gentleman the Board intends to appoint this evening, how to get to the conference room. It appears to Mrs. Teed that these other individuals do not have an interest in the Township and have not attended meetings in the past. Mrs. Teed advised that Mr. Andy Leszynski, another candidate for the Park and Recreation Board, has faithfully attended Park and Recreation Board meetings, but was also passed over once again to fill that vacancy. Further, Mrs. Teed noted that Mr. Lambrecht happens to be a neighbor of the individual who resigned from the Park and Recreation Board. Mrs. Teed commented that she does not know the qualifications of Mr. Lambrecht, and since various Board's conduct their interviews in private, she was not privy to his responses to the Park and Recreation Board's questions.

Mrs. Teed is very upset that she is continually passed over for these volunteer positions, which she feels is politically driven. Mrs. Teed asked what objective procedure the Board of Supervisors follows to appoint individuals to volunteer boards. Supervisor Bennington commented that the Supervisors are following the unanimous recommendation of the Park and Recreation Board to fill the vacancy. Supervisor Snyder stated that the Board of Supervisors trusts the judgment of the boards or commissions when they provide recommendations regarding filling a vacancy. Chairperson Bender is sorry that Mrs. Teed is disappointed in not being appointed to the Park and Recreation Board, however the Supervisors have explained numerous times the procedure involved with filling a vacancy. A lengthy discussion took place.

The original motion passed unanimously.

3. A draft Request for Proposals for a Bux-Mont Traffic Study was presented to the Board for review. This is needed to obtain quotes on the cost of the study on area businesses and surrounding municipalities. There is no financial obligation for Hilltown Township to participate. The main reason for the request is to determine the cost to conduct the study and to seek grant opportunities to fund the study itself. Discussion took place concerning the area that the study will encompass.

F. CORRESPONDENCE – Mr. Gregory J. Lippincott, Township Manager –

1. Correspondence has been prepared for the Board's consideration and signature, if they so desire, to be sent to the US Postal Service, requesting the expansion of delivery area for the Hilltown Post Office. Mr. Lippincott explained that instead of having the Sellersville or Perkasio Post Offices, which do not have the capability to expand, serving the new proposed developments in the Township, the Hilltown Post Office has requested expansion in order to provide service to those new developments. A lengthy discussion took place.

G. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Solicitor Grabowski presented the Arline Kirk Subdivision/Land Development Agreements and Declaration of Road Frontage Easement Agreement for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Arline Kirk Subdivision Land Development Agreement and Pedestrian Path Easement Agreement for same. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-37, accepting the Declaration of Road Frontage Easement for the Arline Kirk Subdivision.** There was no public comment.

2. Solicitor Grabowski presented the Equestrian Court Subdivision/Land Development Agreements and Financial Security Agreement for the Board's consideration. Solicitor Grabowski advised that there is also a Homeowner's Association Declaration of Covenant that has not yet been received. This document provides for the maintenance of the detention basin that will be constructed on site. Additionally, Mr. Wynn's office advised that there are still other outstanding items remaining, including Planning Modules. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to accept the Subdivision/Land Development Agreement, and Financial Security Agreement for the Equestrian Court Subdivision. There was no public comment.

Solicitor Grabowski and Mr. Wynn both recommended that the Equestrian Court Subdivision mylars not be signed this evening due to remaining outstanding items.

3. Solicitor Grabowski advised that the Car Sense Land Development Agreements were not yet available for the Board's consideration, and as such, he and Mr. Wynn recommended that the mylars not be signed by the Board this evening.

II. PLANNING – Mr. C. Robert Wynn, Township Engineer –

1. Ludlow Subdivision Lot Line Adjustment – Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan. Mr. Wynn's November 1, 2002 engineering review was discussed.

The lot line adjustment subdivision located on Rickert Road/Quarry Road/Forest Road was unanimously recommended for preliminary/final plan approval by the Planning Commission, subject to completion of requirements as contained within Mr. Wynn's November 1, 2002 engineering review. The Planning Commission also unanimously recommended waiver of the following Subdivision Ordinance requirements:

- Sections 505.16, 506.2.B, 512, 513, and 526, which require drainage improvements, cartway reconstruction/overlay, cartway widening, curb, sidewalk, and streetlights to be installed along existing streets within the frontage of the site. The request notes that no new traffic or dwelling units are proposed as part of the development, and no street lighting exists in the immediate area of the subdivision. In consideration of there being no development proposed as part of this application, Mr. Wynn recommends approval of the applicant's request.
- Section 402.2.A, which requires that lot line adjustment subdivision plans be prepared at a maximum plan scale of 1" = 100'. The plan is drawn at a scale of 1" = 200', in order to contain all requisite information on a standard 24" X 36" plan sheet. As plan information generally appears legible, Mr. Wynn recommended approval of the applicant's request.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to grant preliminary/final plan approval to the Ludlow Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated November 1, 2002, and with the waivers as stated in the October 9, 2002 correspondence from Cowan Associates and as noted within Item #2 of Mr. Wynn's engineering review. There was no public comment.

2. Weidner Farm Subdivision (Minor) – This minor subdivision located on Seven Corner Road at the boundary with East Rockhill Township was unanimously recommended for preliminary/final plan approval subject to completion of all outstanding items as contained within the November 1, 2002 engineering review. The Planning

Commission also recommended approval of waivers requested by the applicant within correspondence dated October 28, 2002, and as noted within Item #1 of the engineering review. The applicant has requested the following waivers:

- Section 504.2.K, which requires that residential lot depth shall not be less than one nor more than three times the lot width. The request notes that Lot #1 has a depth to width ratio of 4.2 to 1, which is due to the "flag" nature of the parcel. In general, Mr. Wynn has no objection to the applicant's request, provided that lots are deed restricted from further subdivision as discussed during the sketch plan review. A note has been included on the plan which states that future owners of the properties shall not subdivide into any additional lots until public water is available in accordance with Section 502 of the Hilltown Township Zoning Ordinance.
- Sections 505.16, 506.4.A, 512.1, and 526.1 of the Subdivision Ordinance, which require drainage improvements, cartway reconstruction/overlay, cartway widening, curb, and street lighting. The applicant notes that the rural nature of the area is such that these improvements would be a detriment rather than an improvement. As discussed with the Planning Commission during the sketch plan review stage, the applicant has not proposed cartway widening, curb, or other roadway improvements along Seven Corner Road within the frontage of the site, and instead, proposes installation of a five ft. wide paved shoulder along the inside of the curve in Seven Corner Road, along the frontage of Lot #2, a grass shoulder area between the curve and the northernmost property boundary at the East Rockhill/Hilltown Township municipal boundary, installation of a drainage swale and stormsewer interconnection along Seven Corner Road between the municipal boundary and the curve, and installation of a four ft. wide sidewalk along the entire frontage of Seven Corner Road.

A note on the plan has been revised to state "If Lot #1 or #2 is further subdivided, future developer of either Lot #1 or Lot #2 will be responsible for installation of future roadway improvements along both Lot #1 and Lot #2 as determined to be necessary at that time by Hilltown Township.

- Section 510.8, which requires that minimum sight distance must be established in accordance with PennDot Chapter 441 requirements, as amended. The request notes that the proposed driveway for Lot #2, along Seven Corner Road, cannot meet the minimum desirable sight distance as specified in PennDot Chapter 441. However, the

minimum allowable sight distance, as specified in PennDot Chapter 441, has been established at the proposed driveway location, considering the 90 degree bend in Seven Corner Road. The plan has been revised to calculate the minimum required sight distance as 249 feet looking left from the proposed driveway, and the proposed driveway location has been revised as suggested in prior review correspondence from Mr. Wynn's office to be located on the north side of the proposed dwelling, which increases the available sight distance looking left by 96 ft. from that previously proposed.

- Section 304.B of the Stormwater Management Ordinance, which requires that all retention/detention basins detain the 1-year 24-hour design storm so that the 1-year storm takes a minimum of 24-hours to drain from the facility. The request notes that due to the small amount of runoff directed to the proposed stormwater management facility, this release rate criteria is not able to be met without proposing an orifice size less than four inches in diameter, which would increase the potential for clogging. As the basin is designed as a "wetland basin," water quality will be achieved without detaining the 1-year 24-hour design storm for the designated timeframe. In general, Mr. Wynn did not object to the applicant's request, provided all other requirements of the Stormwater Management Ordinance are met in the design of the proposed facility.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to approve the Weidner Farm Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated November 1, 2002, and to approve the waivers as noted above. There was no public comment.

I. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Mr. Wynn presented Resolution #2002-38 for application to PennDot for Permit to Install and Operate Traffic Signals at the intersection of Diamond Street and Orchard Road, as part of the Summer Lea Subdivision project. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-38, to authorize the application to PennDot for Permit to Install and Operate Traffic Signals at the intersection of Diamond Street and Orchard Road, as part of the Summer Lea Subdivision.** There was no public comment.

J. MYLARS FOR SIGNATURE:
1. Arline Kirk Subdivision

K. PUBLIC COMMENT:

1. Mrs. Alice Kachline of 529 Mill Road, who is also Hilltown Township's Tax Collector, wholeheartedly supports the change of the postal delivery area for the Hilltown Post Office. She noted that many residents are not even aware that they live in Hilltown Township because their mailing address is something other than Hilltown, Pennsylvania.

Chairperson Bender agreed, and advised that he would also like to see his tax bills from Mrs. Kachline coming from the Hilltown Post Office, rather than the Silverdale Post Office. Mrs. Kachline explained that the reason she uses a Silverdale post office box is because when she was first elected, there were difficulties experienced with the previous postmaster at the Hilltown Post Office. Therefore, Mrs. Kachline was advised by one of the Supervisors at the time, and by Mrs. Simons, the previous Tax Collector, to get a post office box at a different postal location.

2. Mrs. Marilyn Teed of Mill Road agreed that the Board of Supervisors, as the appointing authority, have the right to choose who they want to fill vacancies on various boards and committees. However, she does not understand why the Supervisors believe that the various boards and committees have the right to conduct the interview process behind closed doors. It is her opinion that the flavor of the law is that everything, including interviews for vacancies, should be done in public meetings. Chairperson Bender explained that the Supervisors have left it up to each board or committee as to how they wish to conduct interviews for their vacancies. To his knowledge, each board/committee then makes their recommendation to fill a vacancy at a public meeting. Solicitor Grabowski stated that the boards and commissions in Hilltown Township have established an interview process, which he feels is a good one. What the Sunshine Law does say is that the vote, however, shall be made publicly. Anyone is welcome and even encouraged to ask those specific boards or committees at a public meeting, why an individual was or was not recommended for appointment to a vacancy. He noted that what Hilltown Township, as well as most every other municipality, borough, and school district in the area, is doing complies with the ruling of a Commonwealth Court Case, the Morning Call versus the Southern Lehigh School District in 1994. In this court case, the School District conducted interviews in Executive Session and even went so far as to take straw votes in Executive Session, which is obviously a form a voting. Solicitor Grabowski noted that Hilltown Township's boards and committees do not do that. In fact, he has suggested to the Township that straw votes should not be conducted in Executive Sessions, though interviews can, since no decision is made. Solicitor Grabowski feels that Hilltown Township goes way beyond what the Commonwealth

Court allowed and permitted in the case of the Morning Call versus the Southern Lehigh School District. Mrs. Teed does not agree that this particular court case applies since it refers to the interview of a paid employee. She noted that the Sunshine Law states this does not apply to elected officials. Solicitor Grabowski commented that no elected officials were interviewed in Executive Session by any of the Township's boards/commissions/or committees. Mrs. Teed stated that when she interviewed to replace the Pennridge School Board director that resigned, those interviews were conducted in public, with each candidate asked the same questions in an alternating fashion. Chairperson Bender advised that the Pennridge School District chose to conduct their interviews in that fashion, however the Township's volunteer boards choose not to. When it comes time for any board or committee to make a nomination or a recommendation for an individual to fill a vacancy, they do so at a public meeting. At that point, anyone has the opportunity to question those board or committee members as to why they made the choice that they did. Mrs. Teed believes that the law is clear that elected officials cannot be interviewed in private. Chairperson Bender reminded Mrs. Teed that the individuals she is speaking of are not elected officials; rather they are private citizens applying for a vacancy on a volunteer board. Mrs. Teed feels that the Supervisors do not want residents to have an understanding or a participation in local government.

3. Mr. Joe Miketta of 1211 Hilltown Pike cited a recent article in the Daily Intelligencer regarding the Bux-Mont Area Traffic Study that Mr. Lippincott mentioned earlier in the meeting. The article stated that the study would cost \$250,000.00 to complete, and Lynn Bush of the Bucks County Planning Commission was quoted as stating that funds would come from the State Legislature, Congressman Greenwood, and local municipalities participating in the study, including Hilltown Township. Mr. Miketta asked how much money Hilltown has provided toward this study. Mr. Lippincott understands that the study was started prior to Hilltown and Bedminster's participation, who joined after the fact, and to date, the Township has never been contacted regarding a financial contribution.

Mr. Miketta supports Mrs. Teed in her concerns with regard to interviews for board/commission vacancies. He asked if the Supervisors are aware of who the other applicants for a vacancy are before they vote to appoint an individual strictly upon the recommendation of the board or committee involved. Mr. Lippincott replied that the Board receives copies of all applications submitted for consideration for any board vacancy. Mr. Miketta is confused as to how residents who continuously apply for board/committee vacancies can improve themselves in order to be considered for an appointment, unless they are privy to the interviews. Chairperson Bender suggested that when an individual attends the meetings of the various boards and a recommendation for an appointment to a vacancy is moved upon, the individual should ask their questions of

those specific board members as to why that person was chosen over the other candidates. A lengthy discussion took place.

Mr. Miketta has heard rumors that the Supervisors will be holding a Town Meeting on January 14, 2003. Mr. Lippincott advised that the Open Space Committee, not the Board of Supervisors, is planning a Town Meeting for January 14, 2003 in order to discuss the purchase of development rights.

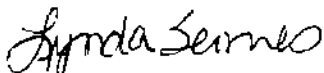
L. SUPERVISOR'S COMMENTS:

1. Chairperson Bender has always been interested in the science of windmills to generate electricity. Recently, Mr. Lippincott suggested to the Supervisors that they may want to consider investigating the issue further as a demonstration project and as a means to possibly assist farmers or individuals who own open space, as an opportunity to reduce expenses or generate revenue. If any residents are interested in investigating wind power or if they know someone who is involved in the business of alternative energy, they should contact Mr. Lippincott to discuss the matter further.

M. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.

N. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously, the November 25, 2002 Board of Supervisors Meeting was adjourned at 8:45PM.

Respectfully submitted,



Lynda Seimes
Township Secretary